

**DRUGS AND DEVICES ACTIONABLE BECAUSE OF FAILURE TO BEAR  
ADEQUATE DIRECTIONS OR WARNING STATEMENTS\***

**3945. Misbranding of pentobarbital sodium capsules. U. S. v. Duvall Pharmacy, Inc., and Charles H. Wagner. Pleas of guilty. Fine of \$300 against each defendant, plus costs. (F. D. C. No. 33740. Sample Nos. 3995-L, 3996-L, 4009-L.)**

**INFORMATION FILED:** January 23, 1953, District of Maryland, against Duvall Pharmacy, Inc., Baltimore, Md., and Charles H. Wagner, vice president and pharmacist for the corporation.

**ALLEGED VIOLATION:** On or about November 7 and 13 and December 4, 1951, while a number of *pentobarbital sodium capsules* were being held for sale at Duvall Pharmacy, Inc., after shipment in interstate commerce, the defendants caused various quantities of the capsules to be repacked and dispensed without a prescription, which acts resulted in the repackaged capsules being misbranded.

**NATURE OF CHARGE:** Misbranding, Section 502 (b) (2), the repackaged capsules failed to bear a label containing an accurate statement of the quantity of the contents.

Further misbranding, Section 502 (d), the repackaged capsules contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the repackaged capsules failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the labeling of the repackaged capsules failed to bear adequate directions for use.

**DISPOSITION:** February 27, 1953. Pleas of guilty having been entered on behalf of the defendants, the court fined each defendant \$300, plus costs.

**3946. Misbranding of Seconal Sodium capsules. U. S. v. L & S Pharmacy, Inc. (Whelan Drug (Sales Agency)), Stephan Stimac, and James M. Loureiro. Pleas of nolo contendere. Fine of \$200 against each defendant. (F. D. C. No. 33755. Sample Nos. 26899-L to 26902-L, incl., 27586-L to 27588-L, incl.)**

**INFORMATION FILED:** February 26, 1953, Northern District of California, against L & S Pharmacy, Inc., doing business as Whelan Drug (Sales Agency), and against Stephan Stimac, president of the corporation, and James M. Loureiro, secretary-treasurer.

**ALLEGED VIOLATION:** On or about November 21, 23, 26, and 29, and December 4, 5, 6, and 18, 1951, while a number of *Seconal Sodium capsules* were being held for sale at L & S Pharmacy, Inc., after shipment in interstate commerce, the defendants caused various quantities of the *Seconal Sodium capsules* to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged capsules being misbranded.

**NATURE OF CHARGE:** Misbranding, Section 502 (b) (2), the repackaged capsules failed to bear a label containing an accurate statement of the quantity of the contents.

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\*See also Nos. 3941, 3943.